

## REMARKS

Claims 1-21 in application serial number 10/537717 to applicants Beer and Althaus are pending. Claim 1 is objected to for informalities. Claim 8 is objected to for being a multiple dependent claim depending from another multiple dependent claim. Claim 1 is rejected under 35 U.S.C. 112 for using the phrase “and/or”. Claims 1-20 are rejected under 35 U.S.C. 112 for insufficient antecedent basis for a limitation. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,611,635 to Yoshimura in view of U.S. Patent 4,875,750 to Spaeth et al. Claims 6 and 18 are rejected under 35 U.S.C. 103(a) for using a material known in the art. Claim 7 is rejected under 35 U.S.C. 103(a) for using a lens known in the art. Claim 19 is rejected for duplication of working parts already disclosed. Claims 10 and 20 are rejected under 35 U.S.C 103(a) as being unpatentable over Yoshimura and Spaeth as for claim 1 and further in view of U.S. Patent 4,969,712 to Westwood et al. Claims 13 and 14 are rejected under 35 U.S.C 103(a) as being unpatentable over Yoshimura and Spaeth as for claim 1 and further in view of U.S. Patent 6,939,058 to Gurevich et al. Claims 15-17 are rejected under 35 U.S.C 103(a) as being unpatentable over Yoshimura and Spaeth as for claim 1 and further in view of DE 4422322 to ANT Nachrichtentechnik. Claim is objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form. Claim 21 is allowed.

### Claim Objections

#### Claim 1

Examiner rejected claim 1 for informalities related to “the transmitter component” and “the receiver component”.

Applicant has elected to withdraw claim 1 in order to expedite prosecution. However, the limitations of claim 1 have been included in an amended claim 9. In amended claim 9, references to “the transmitter component” have been replaced with “the at least one transmitter component”, and references to “the receiver component” have been replaced with “the at least one receiver component”, as suggested by Examiner.

A reference to “light from the transmitter component” in claim 1 as previously presented have been replaced by “a first light signal from the at least one transmitter component” in amended claim 9. A reference to “light being coupled out from the waveguide (51) of the planar

optical circuit” in claim 1 as previously presented has been replaced by “a second light signal being coupled out from the waveguide (51) of the planar optical circuit “ in amended claim 9.

Applicant found in item number 3 on page 2 the following statement by Examiner relating to claim objections for claim 1: “an planar 25 optical circuit” on line 16. Appropriate correction is required.” This statement appears to have been unintentionally included by Examiner since claim 1 as previously presented did not include the phrase “an planar 25 optical circuit.” Applicant has therefore taken no corrective action related to the above statement by Examiner. Applicant respectfully requests clarification if Examiner’s intent has been misunderstood.

Applicant respectfully submits that amended claim 9 corrects the informalities in claim 1 objected to by Examiner and requests allowance of amended claim 9.

Applicant respectfully reserves the right to pursue allowance of claim 1 at a later time.

#### Claim 8

Claim 8 is objected to under 37 CFR 1.75(c) for being a multiple dependent claim depending from another multiple dependent claim.

Applicant has elected to withdraw claim 8 in order to expedite prosecution. However, the limitations of claim 8 have been included in an amended claim 9. Amended claim 9 is not a multiple dependent claim. Applicant respectfully submits that amended claim 9 corrects the objection raised by Examiner against claim 8. Applicant requests allowance of amended claim 9.

#### Claim Rejections

##### Claim 1

Claim 1 is rejected under 35 USC 112 second para. For use of the phrase “and/or”.

Applicant has elected to withdraw claim 1 to expedite prosecution. However, claim 9 has been amended to include the limitations of claim 1. In amended claim 9, “and/or” has been replaced with “or”. Applicant respectfully submits that amended claim 9 distinctly points out novel and nonobvious aspects of Applicant’s invention, and respectfully requests allowance of amended claim 9.

##### Claim 1-20

Claims 1 – 20 are rejected for improper antecedent basis for the limitations “the transmitter and/or receiver assembly” and “the circuit arrangement”.

Applicant has elected to withdraw claims 1-8 and 10-20 to expedite prosecution. However, claim 9 has been amended to include the limitations of claim 1 and intervening claims. References to “the transmitter and/or receiver assembly” and “the circuit arrangement” have been omitted from amended claim 9. Applicant respectfully submits that amended claim 9 corrects deficiencies in antecedent basis and respectfully requests allowance of amended claim 9.

#### Claims 1-7

Claims 1-7 are rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 6,611,635 to Yoshimura, hereinafter referred to as Yoshimura ‘635, in view of U.S. Patent 4,875,750 to Spaeth et al., hereinafter referred to as Spaeth ‘750.

Applicant has elected to withdraw claims 1-7 in order to expedite prosecution. However, the limitations of claims 5, 6, 7, and 8 have been included in amended claim 9. Applicant respectfully requests allowance of amended claim 9.

#### Claim 18

Claim 18 is rejected under 35 USC 103(a) for using methods known in the art. Applicant respectfully disagrees with Examiner’s assertion that using an index matching material known in the art in combination with other novel and nonobvious aspects of Applicant’s invention should be considered noninventive. In Applicant’s opinion, criteria for novelty and obviousness should be applied to the invention as a whole, not just to component parts of the invention. However, in order to expedite prosecution, Applicant has elected to withdraw claim 18. Applicant respectfully reserves the right to pursue allowance of claim 18 at a later time.

#### Claim 19

Claim 19 is rejected for duplication of essential working parts already disclosed without providing new and unexpected results.

Applicant has elected to withdraw claim 19 to expedite prosecution. Applicant respectfully reserves the right to pursue allowance of claim 19 at a later time

#### Claims 10 and 20

Claims 10 and 20 are rejected under 35 USC 103(a) for being unpatentable over Yoshimura ‘635 and Spaeth ‘750 and further in view of U.S. Patent 4,969,712 to Westwood et al.

Applicant has elected to withdraw claims 10 and 20 to expedite prosecution. Applicant respectfully reserves the right to pursue allowance of claims 10 and 20 at a later time.

#### Claims 13 and 14

Claims 13 and 14 are rejected under 35 USC 103(a) for being unpatentable over Yoshimura '635 and Spaeth '750 and further in view of U.S. Patent 6,939,058 to Gurevich et al.

Applicant has elected to withdraw claims 13 and 24 to expedite prosecution. Applicant respectfully reserves the right to pursue allowance of claims 13 and 14 at a later time.

#### Claims 15-17

Claims 15-17 are rejected under 35 USC 103(a) for being unpatentable over Yoshimura '635 and Spaeth '750 and further in view of DE 4422322 to ANT Nachrichtentechnik.

Applicant has elected to withdraw claims 15-17 to expedite prosecution. Applicant respectfully reserves the right to pursue allowance of claims 15-17 at a later time.

### **Allowable Subject Matter**

#### Claim 9

Claim 9 is objected to as being dependent upon a rejected base claim, but would otherwise be allowable if rewritten in independent form.

Applicant has amended claim 9 to include all of the limitations of the base claim and any intervening claims. In Applicant's opinion, amended claim 9 resolves Examiner's objections and rejections to the base claim and intervening claims, as previously explained. Applicant therefore respectfully requests allowance of amended claim 9.

#### Claim 21

Applicant gratefully acknowledges Examiner's allowance of claim 21.

## CONCLUSION

For all the reasons above, Applicants submit that the claims define novel subject matter that is nonobvious. Therefore, allowance of these claims is submitted to be proper and is respectfully requested.

Applicants invite the Examiner to contact Applicants' representative as listed below for a telephonic interview if so doing would expedite the prosecution of the application.

Very respectfully submitted,

A handwritten signature in black ink, appearing to read 'Phillip M. Wagner', with a long horizontal flourish extending to the right.

Phillip M. Wagner  
GSS Law Group  
3900 Newpark Mall Rd  
Third Floor, Suite 317  
Newark, CA 94560

Reg. No. 57,575  
Phone (510) 742-7417  
Fax (510) 742-7419